

July 30, 2021

Village of Wellington  
Planning & Zoning  
12300 Forest Hill Blvd  
Wellington, FL 33414

**Re: Lotis Phase II**  
**Justification Statement**  
**Rezoning Application**

**Property Location**

The property is located approximately half a mile north of the Forest Hill Blvd & State Road intersection, on the west side of SR 7. It is identified by property control numbers 00-42-43-27-05-018-0071, 00-42-43-27-05-018-0072 and 00-42-43-27-05-018-0040 and consists of a total of 52.259 acres.

**Property History**

In 1973, the Palm Beach County Board of County Commissioners approved a rezoning petition for Parcel 3 from Agricultural (AG) to Public Ownership (PO) Zoning District via Resolution No. 19-73-727.

Parcels 1, 2 and 3 are current under the jurisdiction of Unincorporated Palm Beach County. Parcels 2 and 3 have no prior approvals, however in 1984 parcel 3 was subject to a special exception use approval to allow a Commercial Kennel via Resolution No. 1984-1849. A few years later, the



*Figure 1: Area Subject to Requests*



*Figure 2: Parcel Designation*

approval was then revoked via Resolution No. 1987-1179. To the best of our knowledge, no prior approvals exist for Parcel 1.

Since these approvals, no further development orders have been issued and the property has remained vacant and undeveloped.

### **Application Request**

The petitioner has submitted this application to request a rezoning from Palm Beach County Public Ownership (PO) Zoning District to Village of Wellington Multiple Use Planned Development (MUPD) Zoning District and from PBC Agricultural Residential (AR) to VOW MUPD Zoning District. The allocation of a VOW MUPD zoning designation would interconnect the future annexed area with the adjacent properties to the south, known as Lotis Phase I.

Additional applications have been filed concurrent to this request. An application has been submitted to request an amendment to the Village of Wellington Comprehensive Plan. The proposed intent is to amend the FLU designation from a Palm Beach County FLU designation of Low Residential (LR) -2 to the Village of Wellington MU FLU designation. Master Plan approval has also been requested to allow the development of restaurant, indoor/outdoor entertainment, single-family and multi-family uses on the 52.259-acre site.

Parcel subject to Annexation, Rezoning and FLUM amendment requests:

Parcel 1 – PCN: 00-42-43-27-05-018-0071 (5.03 acres)

Current FLU: PBC LR-2

Current Zoning: PBC AR

Parcel 2 – PCN: 00-42-43-27-05-018-0072

Current FLU: PBC LR-2

Current Zoning: PBC AR

Parcel 3 – PCN: 00-42-43-27-05-018-0040

Current FLU: PBC LR-2

Current Zoning: PBC PO

### **Surrounding Uses**

Below are descriptions of the zoning and land uses of the adjacent properties.

**North:** Multiple parcels within the Village of Wellington. The properties have a Residential 1.01 du/ac - 3.0 du/ac and Office Commercial FLU designations and are located within the Planned Unit Development (PUD) and Multiple Use Planned Development Zoning Districts. These properties currently support a residential community and medical/professional offices.

**South:** Multiple parcels located in the Village of Wellington. These properties, known as “Lotis at Wellington”, have a Mixed Use (MU) FLU designation and are within the Multiple Use Planned Development (MUPD) Zoning District.

**East:** State Road 7 right-of-way (ROW).

**West:** Multiple parcels located in the Village of Wellington that have a Residential 1.01 du/ac-3.0 du/ac FLU designation and are located within the Planned Unit Development (PUD) Zoning District. The properties comprise the Black Diamond residential development.

### **Rezoning Standards**

Pursuant to Article 5, Chapter 3, Section 5.3.4. the applicant shall indicate that the Zoning Map amendment is consistent with Wellington’s Comprehensive Plan and complies with Wellington’s Land Development Regulations & required criteria per the Development Review Manual.

#### **Consistency with the purposes, goals, objectives and policies of the Comprehensive Plan**

Approval of the proposed Rezoning request to the Multiple Use Planned Development (MUPD) Zoning District is consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan.

#### ***Land Use Element***

The proposed amendment is consistent with the intent of Objective 1.1 and shall comply with the density and intensity thresholds for the variety of land use types. The current and proposed maximum density and intensity permitted, is specified below in the Review Standards Table. As demonstrated above, in the “Surrounding Uses” section, the proposed Mixed Use (MU) FLU designation is consistent and compatible with the surrounding mixed uses. The property abuts the recently approved Lotis Phase I mixed use development on the South boundaries, and the allocation of a MU FLU designation would unify the parcels.

The proposed amendment is consistent with the intent of Objective 1.2 to direct future growth into areas served by urban services that have adequate capacity, as defined by the adopted level of service standards. The proposed project will provide connection to existing public services and utilities. The applicant has submitted Utility Capacity Determination and Concurrency letters along with the FLUM amendment request to ensure adequacy. The applicant will provide Utility Service Availability Letters.

The proposed amendment is consistent with Policy 1.3.25 which outlines the intent of the Mixed-Use district. The MU FLUM request will allow for a range of uses that will facilitate orderly development of the land. The proposed project will provide for infill development in an urban area and bring more balance between uses. The property is situated in a highly accessible area, along SR 7, comprised of large scale commercial and residential uses which allows for connectivity

potential between the developments. The proposed MU FLU designation will allow the property to develop cohesively with the surrounding uses.

#### ***Conservation Element***

The proposed amendment will be consistent with the objectives, goals and policies of the Conservation Element of the Comprehensive Plan. The project site has 38.03 acres of mostly exotic hardwood wetlands that has a heavy exotic plant understory and lacks appropriate hydrology, thus provides little habitat for wildlife and most is small transient mammals.

#### ***Recreation and Open Space Element***

The proposed amendment shall be consistent with the objectives, goals and policies of the Recreation and Open Space Element of the Comprehensive Plan as specified in Objectives 1.1 and 1.2. The proposed project will include internal open space within the residential uses and will meet open space standards for the variation of proposed uses. Per Policy 1.2.7, open space areas shall be developed in a way to maximize preservation of existing native vegetation and natural features of the site.

#### ***Public School Facilities Element***

The proposed amendment is consistent with the goals, objectives and policies of the Public School Facilities Element of the Comprehensive Plan. As specified in Objective 1.1, the proposed amendment shall ensure the adopted Level of Service standards are maintained and the facilities can support the potential student growth. The applicant will submit a School Capacity Availability Determination application to Palm Beach County School District.

#### ***Intergovernmental Coordination Element***

The proposed amendment is consistent with the objectives, goals and policies of the Intergovernmental Element of the Comprehensive Plan. The proposed amendment will be consistent with Objective 1.1, and ensure coordination with the Village of Wellington, Palm Beach County, Palm Beach County School Board, South Florida Water Management District, Lake Worth Drainage District, ACME Improvement District and adjacent municipalities.

#### **Consistency with the purpose and intent of Wellington's Land Development Regulations**

The proposed MUPD rezoning request shall be consistent with the purpose and intent of Article 6, Chapter 8, Sec. 6.8.3. of Wellington's Land Development Regulations for a Multiple Use Planned Development District; *1) to promote the design of unified, multiple use developments for land which has a rural residential 10, commercial, industrial, or commercial recreation designation on the Land Use Atlas, see Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories; and, 2) to provide for the efficient use of land by the integration of multiple uses within a single development.*

#### ***LDR Section 6.8.3.D.1. Development Plan Requirements***

The proposed MUPD rezoning shall comply with Sec. 6.8.3.D.1. Development Requirements as follows:

- a. *Minimum development thresholds. The minimum development thresholds of minimum lot area and minimum building square footage for a MUPD may vary according to the MUPDs Comprehensive Plan land use category as indicated in Table 6.8-17, MUPD Minimum Development Thresholds.*

The subject parcel complies with the minimum lot area of 5 acres required in the MUPD Zoning District with a Mixed-Use FLU designation.

- b. *Contiguous land. MUPDs shall be developed on contiguous lots or tracts.*

The 52.259-acres site is adjacent to Lotis Wellington MUPD, which is comprised of four parcels that were annexed in 2004 via Ordinance No. 2004-29. The property was allocated a MUPD zoning designation (Ord. 2006-08) and a Mixed-Use FLU designation (Ord. 2004-28).

- c. *Land Use Atlas. MUPDs correspond to the land use categories indicated in Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories.*

Along with this application, a Mixed-Use (MU) FLU amendment request has been submitted.

- d. *Design intent. The design of the MUPD shall comply with the requirements of Section 6.8.1.E (Planned Developments General-Design Objectives)*

- a) *Land shall contain sufficient width, depth, and frontage on a publicly dedicated arterial or major street or appropriate access thereto as shown on the Village or Palm Beach County Thoroughfare Plan to adequately accommodate its proposed use and design.*

The proposed development is located on parcels of land that provide sufficient width, depth and frontage on SR7/441.

- b) *The proposal shall provide a continuous, non-vehicular circulation system and perimeter landscape areas to connect buildings and other land improvements.*

The proposed development has provided a network of internal sidewalks that allow continuous circulation between the buildings, and other amenities. In addition, the plan includes a perimeter buffer around the entire property.

- c) *The proposal shall conveniently design and locate parking to encourage pedestrian circulation between land uses.*

The proposed development has oriented the parking to ensure pedestrian circulation is encouraged within the property.

- d) *The proposal shall preserve existing trees and other natural features of the site to the greatest possible extent.*

The applicant shall preserve existing trees and other natural features to the greatest practical extent.

- e) *The proposal shall enhance the appearance of the buildings and grounds with supplemental plantings to screen objectionable features and to control noise from areas or activities beyond the control of the Planned Development.*

The proposed landscape plan provides enhancements to the development that will contribute to screening and noise buffering for the development.

- f) *The elements of the Final Site Plan/Final Subdivision Plan shall be harmoniously and efficiently organized in relation to the size and shape of the tract, the character of the adjoining property, and the type and size of the buildings, in order to produce a compatible, functional, and economical land use pattern.*

The proposed conceptual Site Plan has been harmoniously and efficiently organized in relation to the size and shape of the tract, and designed to produce a compatible, functional, and economical land use pattern.

- g) *The arrangements of buildings shall be in favorable relation to the natural topography, existing desirable trees, views within and beyond the site, and exposure to the sun and other buildings on the site.*

The proposed building arrangements are in favorable relation to the natural topography of the land.

- h) *The Final Site Plan/Final Subdivision Plan shall provide for adequate surface water management and soil conservation.*

The proposed conceptual Site Plan will provide adequate surface water management and soil conservation.

- i) *The proposal shall not be detrimental to the established land use patterns in the surrounding area.*

The proposed plan is consistent with the land use pattern in the surrounding area.



- j) The proposed land uses shall provide needed housing or services to the surrounding land uses.*

The proposed mixed-use development will provide housing and services to the surrounding area. The petitioner has submitted market studies which indicate the demand for the proposed uses.

- e. Perimeter landscape areas. Perimeter landscape areas shall comply with the requirements listed; A perimeter landscape area shall be provided around the entire perimeter of a MUPD. The width, planting requirements, and type of perimeter landscape areas provided around a MUPD shall be as determined in Section 7.3.*

The proposed MUPD development shall comply with all landscape requirements outlined in Section 7.3. A 10' perimeter landscape buffer has been provided around the north, south and west boundaries, and a 25' ROW buffer has been provided along the east property boundary.

- f. Pedestrian orientation and scale. MUPDs shall be pedestrian oriented, and developed at a human scale*

The proposed MUPD development will ensure adequate circulation and offer amenities to create a pedestrian friendly environment. The building and landscape design will incorporate sidewalks, sitting areas and focal points to encourage pedestrian circulation.

- g. Circulation system. MUPDs shall be designed with a circulation system based upon a hierarchy of transportation methods. In descending order of importance, the hierarchy shall consider pedestrians as the most important, followed by cyclists, mass transit and automobiles. This system shall be designed to connect and provide access between land uses within the MUPD and directly adjacent to the MUPD. MUPDs shall comply with subsection G.2., Parking requirements and access, and the types of uses proposed and the location and design of buildings and parking area shall facilitate a reduction in parking requirements through a sharing of parking space*

The proposed MUPD zoning request shall allow for a Mixed-Use development, of which shall include a circulation plan created in a logical and orderly fashion. The property will have access from SR 7, with internal roadways through the variety of uses. Pedestrian circulation will be of highest importance and adequate walkways, cross walks and focal features shall be provided. The development shall provide cross access with the property to the south (Lotis Wellington Phase I).

#### Consistency with the surrounding uses and zoning districts

As demonstrated above, in the “Surrounding Uses” section, the proposed MUPD Zoning designation is consistent and compatible with the surrounding mixed uses. The property abuts the Lotis Wellington MUPD on the South boundary, and the allocation of a MUPD zoning designation would unify the parcels. The property is located within an established urban area that contains a variety of mixed uses and neighbors the growing large-scale medical uses in Wellington, along SR 7. The design proposal is also consistent with developments along SR 7, which contain commercial uses along front of property and then residential uses to the rear.

**Changed conditions that require the rezoning**

The subject site is located in the “Future Annexation Area” according to the Village’s Comprehensive Plan. Thus, is subject to an annexation application and subsequently requires allocation of Village of Wellington Future Land use and Zoning designations. Future development of the land is contingent upon a VOW FLU and Zoning designation.

In addition, due to ongoing growth in the surrounding area, there is a demand for additional development in close proximity to neighboring established services. The Village of Wellington, specifically along SR7, has become a major center for large scale medical and commercial uses. Therefore, the property is subject to a master plan composed of restaurant, single-family and multi-family uses creates a balance of land uses, which complements the surrounding development.

**The proposed request shall not result in significantly adverse impacts on the natural environment**

As stated above, the proposed rezoning request will be consistent with the objectives, goals and policies of the Conservation Element of the Comprehensive Plan. The proposed development includes improvements to natural areas that have been damaged by surrounding development. The applicant has provided an Environmental Assessment prepared by Ecotone Services.

**The proposed request shall result in a logical and orderly development pattern**

The proposed rezoning request shall result in a logical and orderly development pattern, that will create a balance of uses and interconnectedness between the existing developments.

**The proposed request is consistent with the applicable neighborhood plans**

The subject site is not located within the boundaries of any neighborhood plans.

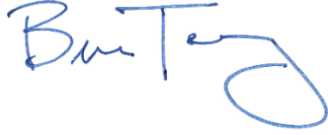
**The proposed request complies with Article 11, Adequate Public Facilities Standards**

The proposed rezoning request is consistent with the purpose and intent of Article 11, Adequate Public Facilities Standards. The applicant shall ensure adequate potable water, sanitary sewer, solid waste, stormwater management, park, road, public school facilities, mass transit public facilities and fire-rescue are available to accommodate the proposed development.



Thank you for your consideration of this application. If you have any questions, please don't hesitate to contact me at 561-249-0940.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Terry", with a stylized flourish at the end.

**Brian Terry, PLA**  
Principal  
Insite Studio, Inc